

# Arlington Accessory Dwelling Regulations

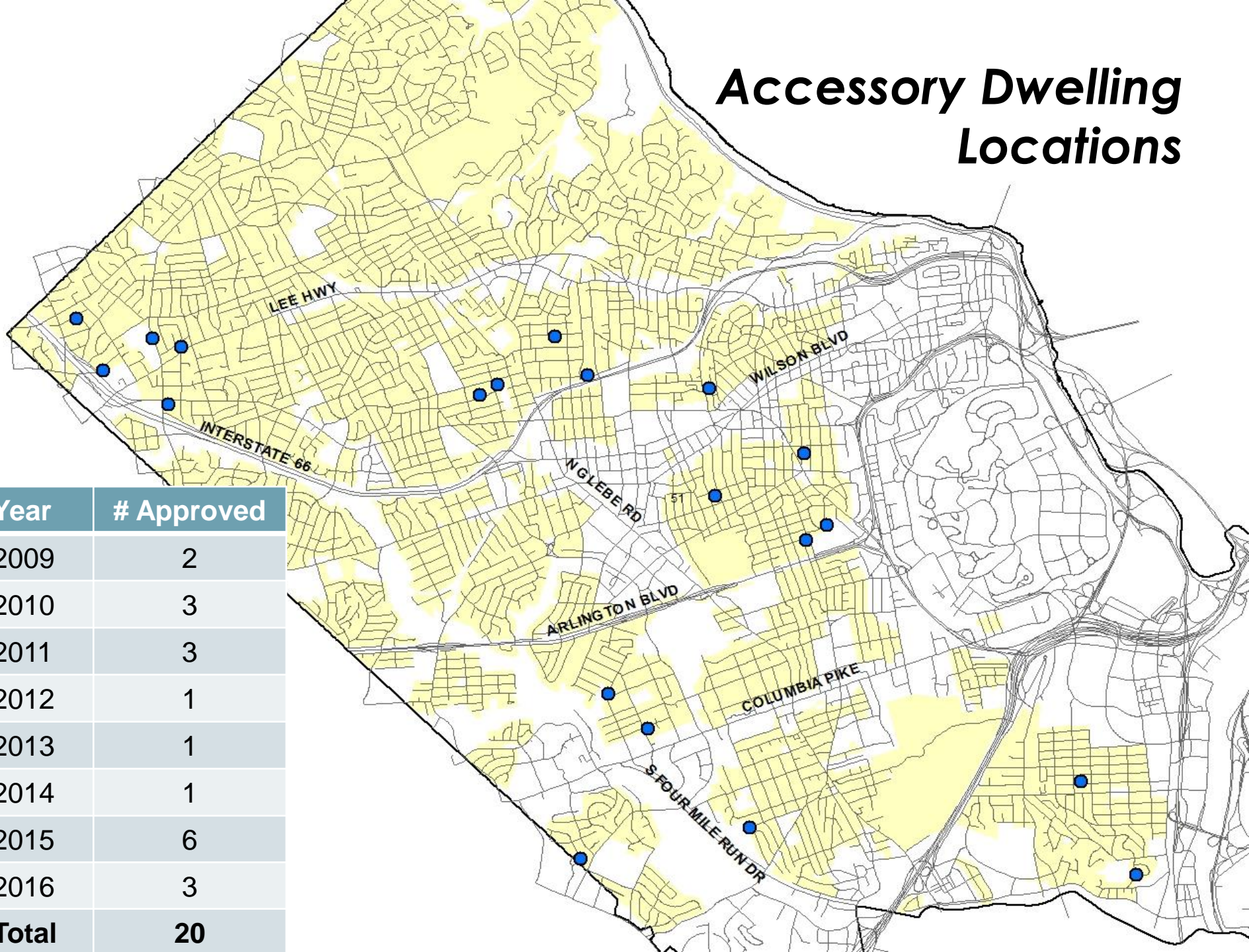
Virginia Housing Commission  
May 7, 2018

# History

- 2009: Arlington's accessory dwelling regulations implemented
  - 20 approved
- 2015: Affordable Housing Master Plan adopted, with guidance to review AD regulations for increased flexibility
- Spring 2017: Draft recommendations developed, with staff and citizen input
- November 2017: Revised regulations adopted by County Board

# Accessory Dwelling Locations

| Year         | # Approved |
|--------------|------------|
| 2009         | 2          |
| 2010         | 3          |
| 2011         | 3          |
| 2012         | 1          |
| 2013         | 1          |
| 2014         | 1          |
| 2015         | 6          |
| 2016         | 3          |
| <b>Total</b> | <b>20</b>  |



- Affordable Housing Master Plan
  - Identified ADs as an existing tool to:
    - Provide an adequate supply of housing
    - Help older adults age in place
    - Provide a typically lower-priced housing alternative
    - Enable homeowners to receive additional income
- Robust public engagement
  - Working Group
  - Community forum and survey
  - Advisory groups and Commission review

# Demographics

- Older adult households are expected to grow three times faster than other households
- Many older adults want to remain in Arlington but worry about rising housing costs
- Average age of homeowner creating an AD in Arlington is 55
- Sharp decline in the number of market affordable housing units
- Affordable housing gap of 7,000 units
- Average rent charged for an AD in Arlington is \$1,000



# What is an Accessory Dwelling

- In Arlington, an accessory dwelling (AD) is an independent dwelling unit that:
  - Has its own kitchen and bath
  - Is within a single family detached house or in a detached accessory building existing prior to November 27, 2017
  - Is designed, arranged, used or intended for occupancy by not more than three persons
  - Has a separate entrance
- AD must meet building code requirements for a separate unit:
  - fire separation, fire egress, separate heating and air handling

# Building Code

- Concerns that complying with the Building Code made the cost of creating an accessory dwelling prohibitive
- Arlington's Building Official submitted a proposal which would have lessened the requirements
- Proposal was not approved by the Virginia Board of Housing and Community Development

- Attached accessory dwelling typically range from \$20,000 to \$100,000
- Most accessory dwellings are major construction projects
- The average calculated cost of creating an AD in Arlington is \$85,000
- Detached ADs tend to cost \$45,000 more than an attached AD



# Goals for Revised Zoning

- Add flexibility to create additional accessory dwellings
- Maintain single-family neighborhood character

# Lot Area/Width Requirements

|                          | Prior  | Adopted  |
|--------------------------|--|--|
| <b>Minimum lot area</b>  | Lot must meet minimum area requirements of zoning district | Accessory dwellings allowed on all lots with one-family dwellings (no additional restrictions on nonconforming lots) |
| <b>Minimum lot width</b> | 50-foot minimum lot width required                         |  |

# Size of Accessory Dwellings

|          | Prior                                       | Adopted   |
|----------|---|---|
| Attached | 1/3 of combined GFA up to maximum of 750 sf | <ul style="list-style-type: none"><li>▪ No limitation on size of an accessory dwelling wholly within a basement.</li><li>▪ Maximum of 35% of the combined floor area of the main and accessory dwelling, up to maximum of 750 sf (when any portion of the accessory dwelling is above basement)</li></ul> |
| Detached | Not allowed                                 | <ul style="list-style-type: none"><li>▪ Maximum of 35% of the combined floor area of the main and accessory dwelling, up to maximum of 750 sf</li></ul>   |

# Detached Accessory Dwellings

| Prior       | Adopted   |
|-------------|---|
| Not allowed | <ul style="list-style-type: none"><li>▪ Detached accessory buildings existing prior to November 27, 2017 may be altered to make interior alterations to create an accessory dwelling</li><li>▪ No accessory dwelling shall be located in a detached accessory building built after November 27, 2017.</li></ul> |

County Board directed the County Manager to return to the Board with options on setbacks for new detached accessory dwellings built after the date of adoption.

# Detached accessory dwellings



560 sf footprint, **750** sf maximum size, **1** foot setback as viewed from above

# Design Requirements

|   | Prior   | Adopted  |
|---|---|--|
| <b>Entrance on corner lot</b>                         | AD on a corner lot cannot have entrance visible from street                                   | Remove requirement   |
| <b>Entrance in relation to main dwelling entrance</b> | Entrance to AD may not be on same side of house as main entrance to main dwelling             | Remove requirement   |
| <b>Exterior stairs to second story AD</b>             | AD with an entrance above the first floor cannot have exterior stairs visible from the street | Exterior stairs to a second story AD cannot be on the same side of house that faces a street |

# Occupancy Requirements

|                          | Prior   | Adopted   |
|--------------------------|---|---|
| <b>Maximum occupancy</b> | 2 persons   | 3 persons   |
| <b>Owner-occupancy</b>   | Required  | Require owner to live in either main or accessory dwelling. However, allow entire property to be occupied by no more than one-family if owner does not occupy one of the dwellings. |
| <b>Prior occupancy</b>   | Owner must live in the main dwelling for at least one year prior to approval of an AD | No prior occupancy requirement  |
| <b>Home occupations</b>  | No contractors or service businesses allowed as a home occupation                     | All home occupations allowed in the main dwelling allowed in the accessory dwelling   |



# Compliance Requirements

|  | Prior   | Adopted  |
|--|---|--|
| <b>Deed covenant</b>                     | Required  | No change  |
| <b>Affidavit of compliance</b>           | Required as follows: <ul style="list-style-type: none"> <li>▪ At initial occupancy</li> <li>▪ When any structural changes are made to the AD</li> <li>▪ Annually</li> <li>▪ When new tenant(s) move in</li> </ul> | Required as follows: <ul style="list-style-type: none"> <li>▪ Upon change in ownership of the main dwelling</li> <li>▪ When any structural changes are made to the AD</li> </ul> |
| <b>Annual inspections and complaints</b> | Owner agrees to cooperate with Code Enforcement staff for annual inspections and for complaints   | No change  |
| <b>Annual Limit (cap)</b>                | 28 per year   | No limit   |

# Accessory Homestay Requirements

|                     | Prior   | Adopted  |
|---------------------|---|--|
| <b>Attached ADs</b> | Accessory homestay allowed in attached accessory dwellings        | No change  |
| <b>Detached AD</b>  | Accessory homestay is not allowed in detached accessory buildings | Accessory homestay allowed in detached accessory buildings only when it is approved as an accessory dwelling |

# Parking Requirements

|   | Prior   | Adopted   |
|---|---|---|
| <b>Existing off-street parking spaces</b> | <ul style="list-style-type: none"> <li>▪ If one parking space exists, it must be maintained</li> <li>▪ If two parking spaces exist, both must be maintained</li> <li>▪ If no existing parking spaces, either: <ul style="list-style-type: none"> <li>○ Create one on-site space; or</li> <li>○ If a parking survey indicates the block is &lt;65 % parked, no off-street parking spaces required</li> </ul> </li> </ul> |   |
| <b>Tandem spaces</b>                      | If two or more spaces that are not tandem, then at least two such spaces shall be maintained  | Two spaces maintained may be in any configuration |

# Questions?